

02/15/02



PTO 02/15/02

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PTO/SB/05 (03-01)

Approved for use through 10/31/2002. OMB 0651-0032

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**UTILITY
PATENT APPLICATION
TRANSMITTAL**

(Only for new nonprovisional applications under 37 C.F.R. 1.53(b))

Attorney Docket No. 05213-3000 (43170-269288)

Inventors ROBERT J. D'AMATO and MOSES J. FOLKMAN

Title ANTIANGIOGENIC AGENTS AND METHODS FOR TREATMENT OF NEOVASCULARIZATION AND RELATED CONDITIONS

Express Mail Label No EL910742038US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents

ADDRESSAssistant Commissioner for Patents
Box Patent Application
Washington, DC 20231**TO:**

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 48]
(preferred arrangement set forth below)
- Descriptive title of the Invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 3]
5. Oath or Declaration [Total Pages]
- a. ☐ Newly executed (original or copy)
- b. ☒ Copy from a prior application (37 CFR 1.63 (d))
(for a continuation/divisional with Box 18 completed)
- i. ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
- a. ☐ Computer Readable Form (CRF)
- b. Specification Sequence Listing on:
- i. ☐ CD-ROM or CD-R (2 copies); or
- ii. ☐ paper
- c. ☐ Statements verifying identity of above copies

ACCOMPANYING APPLICATIONS PARTS

9. ☐ Assignment:
- a. ☐ Assignment Papers (cover sheet & document(s))
- b. ☒ Assignment is of record in parent application No. 09/243,258
10. ☐ 37 C.F.R. §3.73(b) Statement ☐ Power of Attorney
(when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☒ Information Disclosure Statement (IDS)/PTO-1449 ☒ Copies of IDS Citations
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☒ Other: Petition To Make Special For Invention Relating To Cancer (37 C.F.R. § 1.102 And M.P.E.P. §708.02(x)); Statement In Support Of Petition To Make Special For Invention Relating To Cancer (M.P.E.P. § 708.02); Revocation and New Power of Attorney

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP)

of prior application No. 09/243,258 / 2/2/99

Prior application information:

Examiner R. Keys

Group / Art Unit: 1621

Recite complete dependency back to first parent application. This application is a continuation of U.S. Application Serial No. 09/243,158 filed February 2, 1999, which is a divisional of U.S. Application Serial No. 08/838,699 filed April 25, 1997, now U.S. Patent No. 5,892,069, which is a divisional of U.S. Application Serial No. 08/571,265 filed December 12, 1995, now U.S. Patent No. 5,661,143, which is a continuation of Application Serial No. 08/102,767, filed August 6, 1993, now U.S. Patent No. 5,504,074; this application is also a continuation of 09/780,650, filed 2/12/01, which is a continuation of 09/436,610, filed 11/9/99, abandoned, which is also a continuation of 09/243,158.


For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

17. CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label

23370

PATENT TRADEMARK OFFICE

| | | | |
|-------------------|---|-----------------------------------|-------------------|
| Name (Print/Type) | Robert E. Richards | Registration No. (Attorney/Agent) | 29,105 |
| Signature |  | Date | February 15, 2002 |

2002 FEB 15 09:44:00

FEE TRANSMITTAL

Attorney Docket No. 05213-3000 (43170-269288)

This sheet accompanies a patent application transmittal for the following application:

Inventor(s): **D'AMATO ET AL.**Filing Date: **February 15, 2002**Title: **ANTIANGIOGENIC AGENTS AND METHODS FOR TREATMENT OF
NEOVASCULARIZATION AND RELATED CONDITIONS**

The filing fee is calculated as shown below:

1. FILING FEE:

| SMALL ENTITY | | | LARGE ENTITY | |
|--|-------|----------|--------------|----------|
| FOR: | FEE | FEE PAID | FEE | FEE PAID |
| <input checked="" type="checkbox"/> UTILITY FILING FEE | \$370 | | \$740 | 740 |
| <input type="checkbox"/> DESIGN FILING FEE | \$165 | | \$330 | |
| <input type="checkbox"/> PLANT FILING FEE | \$255 | | \$510 | |
| <input type="checkbox"/> REISSUE FILING FEE | \$370 | | \$740 | |
| <input type="checkbox"/> PROVISIONAL FILING FEE | \$80 | | \$160 | |
| SUBTOTAL (1) | | \$ | | \$740 |

2. CLAIMS:

| SMALL ENTITY | | | | LARGE ENTITY | | |
|---|-----------|-----------|--------|--------------|--------|-----|
| FOR: | NO. FILED | NO. EXTRA | RATE | FEE | RATE | FEE |
| TOTAL CLAIMS | 6 - 20 = | 0 | x 9 = | | x 18 = | 0 |
| INDEP. CLAIMS | 2 - 3 = | 0 | x 42 = | | x 84 = | 0 |
| <input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENTED | | | +140 = | | +280 = | |
| SUBTOTAL (2) | | | | \$ | | \$0 |

3. ADDITIONAL FEES:

| SMALL ENTITY | | | LARGE ENTITY | |
|--|-------|----------|--------------|----------|
| FOR: | FEE | FEE PAID | FEE | FEE PAID |
| <input type="checkbox"/> LATE FILING, FEE OR OATH | \$65 | | \$130 | |
| <input type="checkbox"/> NON-ENGLISH SPECIFICATION | \$130 | | \$130 | |
| <input type="checkbox"/> OTHER | | | | |
| SUBTOTAL (3) | | | \$ | \$0 |

TOTAL FILING FEES: \$740A check is enclosed for the total amount: **\$740**☒ Charge any additional fees required under 37 C.F.R. 1.16 or 1.17 to Deposit Account 11-0855.

KILPATRICK STOCKTON LLP

1100 Peachtree Street

Suite 2800

Atlanta, Georgia 30309-4530

Telephone: 404-815-6500

By: Robert E. Richards, Attorney for Applicant
Reg. No. 29,105Date: 2-15-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
D'AMATO, et al.)
)
 Serial No.: **To Be Assigned**)
)
 Filed: **February 15, 2002**)
)
 For: **ANTIANGIOGENIC AGENTS AND**)
METHODS FOR TREATMENT OF)
NEOVASCULARIZATION AND)
RELATED CONDITIONS)

PETITION TO MAKE SPECIAL FOR INVENTION RELATING TO CANCER
(37 C.F.R. § 1.102 AND M.P.E.P. §708.02(X))

Assistant Commissioner for Patents
 Washington, DC 20231
 Sir:

Applicant hereby petitions to make this application special because the invention disclosed therein relates to the treatment of cancer.

Enclosed with this Petition are:

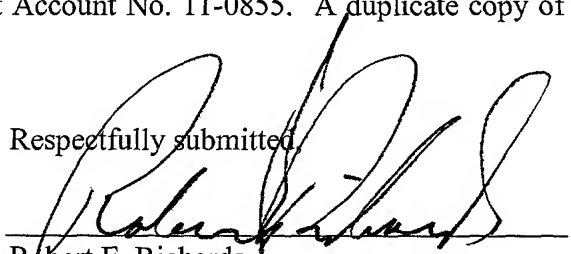
- i) A Statement by Attorney in Support of Petition to make Special Because of Invention Relating to Cancer, and
- ii) a check in the amount of \$130 for the fee required by 37 C.F.R. 1.17(h).

Please charge any additional fee required for this PETITION TO MAKE SPECIAL, or credit any refund thereof, to Deposit Account No. 11-0855. A duplicate copy of this paper is attached.

02/25/2002 HLE333 00000001 10077142

02 FC:122 130.00 DP

Respectfully submitted,


 Robert E. Richards
 Reg. No. 29,105

KILPATRICK STOCKTON LLP
 1100 Peachtree Street
 Suite 2800
 Atlanta, Georgia 30309-4530
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 Attorney Docket: 05213-3000 (43170-269288)

EXPRESS MAIL NO. EL910742038US
DATE OF DEPOSIT: FEBRUARY 15, 2002

10077142-00000001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
D'AMATO, *et al.*)
)
 Serial No.: **To Be Assigned**)
)
 Filed: **February 15, 2002**)
)
 For: **ANTIANGIOGENIC AGENTS AND**)
METHODS FOR TREATMENT OF)
NEOVASCULARIZATION AND)
RELATED CONDITION)

**STATEMENT IN SUPPORT OF PETITION TO MAKE SPECIAL BECAUSE OF
 INVENTION RELATING TO CANCER (37 CFR § 1.102 AND M.P.E.P. § 708.02(X))**

Assistant Commissioner for Patents
 Washington, DC 20231

Sir:

I, Robert E. Richards, am the attorney for the applicants in the above-identified application, and I hereby state the following:

1. The invention disclosed in the above-identified application is directed to compositions and methods which are useful in the treatment of cancer, as specified in M.P.E.P. § 708.02(X).

2. The cancer-treating compositions and methods in this application are disclosed to function by, among other ways, inhibiting angiogenesis or the unwanted growth of blood vessels, especially in tumors. Angiogenesis has also been associated with a number of different types of cancer, including solid tumors and blood-borne tumors.

EXPRESS MAIL NO. EL910742038US
 DATE OF DEPOSIT: FEBRUARY 15, 2002

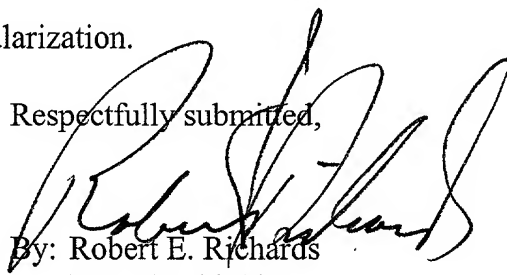
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3. Unregulated angiogenesis occurs in many other diverse pathological disease states, which have been grouped together as angiogenic-dependent or angiogenic-associated diseases.

4. This application also claims the treatment of a disease mediated by angiogenesis, namely, ocular neovascular disease. This disease is characterized by invasion of new blood vessels into the structures of the eye, such as the retina or cornea.

5. The present application further discloses that the compositions and methods in this application that inhibit angiogenesis, are therefore useful for treating any of the angiogenic-dependent or angiogenic-associated diseases, including cancer and neovascularization, including ocular neovascularization.

Respectfully submitted,


By: Robert E. Richards
Reg. No. 29,105

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Our Docket: 05213-3000 (43170-269288)